

**In The United States District Court
For The District of Delaware**

Original
FILED
CLERK, U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2008 APR -3 PM 2:28

Mr. Dennis L. Smith Sr.

Petitioner,

VS.

Ms. Patricia A. Meyers, and her son
Mr. Mack L. Davis Jr., and all of her
sibling(s),
Mr. Steven S. Krebs, and his mother
Ms. Barbara Krebs and any other
person(s) who Attempt, to "ILLEGALLY
- **"OBSTRUCT - Power of Attorney**
Document Book / No. 00776 page;
041 Legal Dated 10-27-03 of the
Sussex County Delaware Office of the
{Incumbent} recorder of Deed(s) }

Respondent(s).

C.A. No. 07 – 525 - JJF

Re; Equal - Right(s);
In ref: **Vindication of civil Right(s)**
Here – under; 42 U.S.C.A § 1988.
This is not a lawsuit. The sole purpose
of this is to simply constitutionally
enforce 42 U.S.C.A. § 1981(b). under
the Law.

Note: This STAY is First to this Court

Notice of Substantive Motion for STAY

STAY Judge Joseph J. Farnan Jr's illegal Memorandum Order based on his violation of Federalized Code 28 U.S.C.A. § 144., which de facto Order, is also backdated to indicated **March 5, 2007, and also the deceit therein. Judge Farnan Jr., done these wrongful act(s) and others as indicated in this motion, without JURISDICTION from the United States Court of Appeals **03rd Judicial Circuit**. My civil case **No. 07 – 3999**, is only **pending** in the " **Court of Appeals.**"**

Now Here come(s) Mr. Dennis L. Smith, Pro se moving as Pro se movant, based " **upon further review,**" **WITH RESPECT and TRUTH** to this Court, I looked at the fact(s): This Substantive motion shall legally – unequivocally **ISSUE**, due to: {1}. In the lawful – constitutional interest of Justice, and to reinstate, my inalienable federally Guaranteed " **Equal – Protection(s)** " to vehement constitutional Elemental – fundamental, **Due Process** privilege in which have been intentionally Erroneously **DENIED** (via) Judge Joseph J. Farnan Jr. who has

beyond any shadow of doubt ABUSED his discretion in which – which, is far – far inconsistent, with the mandated, not out dated Elemental fundamentals of “**Liberty**” and Equal Justice under the law. {2}. The wrongful intentional despotic, notorious de facto, defunct, vexatious, dismissal of; U.S. District Court of Delaware civil docket No. 07 – 525 – (via) Despotic JJF is / was / is patently – violative and of “Express” unconstitutional injustice.

This **Stay shell issue** because, I filed my **appeal** on **October 9, 2007**, in this U.S. District Court of Wilmington, Delaware and The United States Court of Appeals **03rd Judicial Circuit** in their letter, which was sent to me dated **December 20, 2007**, **clearly states**, and I quote, “As in all cases, the panel of this Court which reviews the case on its merits will make a final determination of appellate **jurisdiction.**” Therefore, only this **Appeals Court** has **COMPLETE JURISDICTION** “**Re: Smith v. Meyers C.A. No. 07 – 3999 (D. Del. Civ. No. 07 – cv – 00525)**”, this civil case No. **07 – 3999** is **still pending** in the Appeals Court to date.

See this December 20, 2007 letter, attached as ----- **Exhibit A**

Furthermore, Judge Joseph J. Farnan Jr’s illegal Memorandum Order is based on his violation of Federalized Code 28 U.S.C.A. § 144., this same Order is deceitful therein and backdated to indicate a false date of **March 5, 2007**, which will appear on Court record, as if Judge Farnan Jr. did not violate Federalized Code 28 U.S.C.A. § 144. The **EVIDENCE** for this violation of Federalized Code 28 U.S.C.A. § 144., is my **sufficient affidavit**, **D.I 15**, filed on **February 15, 2008** and its **CLARIFICATION** letter **D.I. 16** filed on **February 26, 2008**, which is part of **U.S. District Court’s recorded records**. See this illegal Memorandum Order attached as ----- **Exhibit B**

Again, the United States Court of Appeals **03rd Judicial Circuit** in their same letter, which was

sent to me dated **December 20, 2007**, also clearly states, and I quote, “ **Upon further review**, it appears that it would not be appropriate to submit this **appeal** to the Court for possible jurisdictional dismissal **as you were originally advised** by our letter of **October 18, 2007**. **Rather**, it appears that your **appeal** may be appropriate for possible **summary action**.” Also, based “ **upon further review** ” I founded that the Court of Appeals **03rd Judicial Circuit** have **NOT** Ruled on the **JURISDICTION** issue in their letter dated December 20, 2007, **and** have **NOT** Ruled on my “ **Interlocutory Appeal Status (VIA) 28 U.S.C.A § 2106 EMERGENCY Motion of Modify** ” which this Court confirmed in their **DOCKET No. 07 - 3999 as** and I quote, “ **RESPONSE** to Legal Division letter advising case will be listed for possible summary action on behalf of Appellant Dennis Lee Smith, **filed Certificate of Service dated 1 / 10 / 08.**”

See Court of Appeals’ letter dated December 20, 2007, attached as ----- Again ----- **Exhibit A**

See Court of Appeals’ docket filed dated of 01/11/08, attached as ----- **Exhibit C**

This “ **filed Certificate of Service dated 1 / 10 / 08** ” confirms that this Motion was **addressed to:** and I quote, “ I hereby **certify** that the **ORIGINAL** and **THREE** copies of my **Interlocutory Appeal Status (VIA) 28 U.S.C.A § 2106 EMERGENCY Motion to Modify** dated January 10, 2008 have been certified mailed or hand delivered on this 10 day of January 2008, **to the United States Court of Appeals,...** ” Other addresses on this **Certificate** as indicated, is only for **COPY / NOTICE** issues, and the U.S. District Court was also one.

Paragraph, below is where I, Appellant was TRICKED / DECEIVED concerning my Constitutional Rights

On March 5, 2008, concerning civil case No. 07 – 525 – JJF docket, which confirms, that this civil case is **DISMISSED** and “**CASE CLOSED**” also, which was **only** after Judge Farnan Jr **first** have done the following, TRICK / DECEIT to me, as follows below.

See this docket, attached as ----- **Exhibit D**

Therefore, based on Judge Joseph J. Farnan Jr’s “**Show Cause Order**” (D.I. 14) dated

January 22, 2008 and my “**Interlocutory Appeal Status (VIA) 28 U.S.C.A § 2106**

EMERGENCY Motion of Modify” (D.I. 12) filed on 01 / 11 / 08 and **sent** to the U.S.

District Court by the Court of Appeals **03rd Judicial Circuit**, therefore, I believed that this

“**Interlocutory Appeal**” was GRANTED, giving Judge Farnan Jr. **JURISDICTION** by the

Court of Appeals **03rd Judicial Circuit**, so that Judge Farnan Jr. may Order me to answer his

Show Cause Order. **Based** on this belief, **therefore I answered this Show Cause Order as**

pointed out below in this Motion, **BUT** later I found that I was **tricked / deceived**, because

Judge Joseph J. Farnan Jr **did not** have **JURISDICTION** for his **ILLEGAL / UNFAIR**

“**Show Cause Order**” on January 22, 2008, and also Judge Joseph J. Farnan Jr **did not** have

JURISDICTION for his illegal and backdated Memorandum Order, which is **falsely** dated

March 5, 2007.

See U.S. District Court’s docket, attached as ----- **Exhibit E**

Also, see U.S. District Court JJF’s illegal “**Show Cause Order**” ----- **Exhibit F**

Furthermore, concerning the trick / deceit of Judge Farnan Jr. wrongfully applying **RULE**

4(m) to my, and only to my **initial AFFIDAVIT / Motion dated August 30, 2007**, which

also lead to my responses, including my response to Judge Farnan Jr’s **Show**

Cause Order as just mentioned. **Therefore, Please Take Notice**, of my

RESPONSES in the following **Statement of Facts # 1, # 2 and # 3** listed

below:

STATEMENT OF FACTS - # 1

Keep in mind, that no one is above the law / **42 U.S.C.A. § 1981(a)**. Judge Farnan Jr made an irrational / irrelevant issue out of **Rule 4(m)**, which did not apply to me as the record will show, but Judge Farnan Jr did in fact, violate Federal Code **28 U.S.C.A. § 144**. Therefore, it is very important to uphold Federalized Codes, of the Constitution of the United States. Therefore, under the United States **GREAT - DEMOCRACY**, where is my respect ? -The de facto Judge Farnan Jr. has illegally Notoriously, intentionally defied clearly established viable United States law. In which is like – similar / same, as very “**unconstitutional**” – **INSURRECTION**. In which is a unequivocal , punishable FELONIOUS Federal – offense, as a matter of law. I do truly want to believe that the Honorable justice(s) of the federally owned and operated United States **Court of Appeals 03rd Judicial Circuit**, will be totally impartial, to legally, morally and ethically reinstate integrity in the U.S. Art. III chain of congressionally mandated connected – courts, Per se. If I am legally compelled, I will also legally reinstate any prohibited short – comings of this High Court, as a matter of law. All justice(s) of this High Court must realize that this High Court legally federally supercede(s), the **U.S. District Court of Wilmington , Delaware**. I only expect constitutional total rudimentary fundamental – elemental fairness of this **High Court**, as clearly established law has mandated and pre-determined, as a matter of **CONSTITUTIONAL** Equal Justice, under the law.

*** Again, Judge Farnan Jr’s illegal Memorandum Order based on **28 U.S.C.A. § 144.**, and also which is backdated to indicated March 5, 2007. Please, keep in mind that, I filed my Affidavit as legally required pursuant Here - under **28 U.S.C.A. § 144.**, on February 15, 2008. (**D.I. 15**) See below:

After, being DECEIVED by Judge Farnan Jr., I have made and filed a timely and sufficient affidavit , which is my **D.I 15, filed on February 15, 2008** and it’s CLARIFICATION letter

D.I. 16 filed on February 26, 2008, both with the U.S. District Court of Wilmington, Delaware concerning Judge Joseph J. Farnan Jr's bias and/or prejudice wrongdoings against me, but unjustly favored Respondent(s). Clearly my just mentioned documents came in a true sequence **before** Judge Farnan Jr's Memorandum Order **D.I. 17, filed on March 5, 2008**. Judge Farnan Jr had clear **knowledge** of receiving **SECOND NOTICE** from me pointing out Federalized Code **28 U.S.C.A. § 144**, therefore, Judge Farnan Jr violated **28 U.S.C.A. § 144**.

(**" CERTIFIED; AS A TRUE COPY, "**) I have purchased Judge Joseph J. Farnan Jr's Memorandum Order, which he **backdated** to indicate, a false date of March 5, **2007** and **then** filed this Order with the Federal Court's records concerning this civil case No. 07 – 525 – JJF. Therefore, Judge Farnan Jr's **deceitful sequence, by use of this March 5, 2007 date**, places his Memorandum Order **D.I. 17, filed on March 5, 2008**, **before** my recorded records **D.I 15, filed on February 15, 2008** and it's **CLARIFICATION** letter **D.I. 16 filed on February 26, 2008**, both which clearly on the face of these documents states and I quote, " Requesting that Judge Joseph J. Farnan Jr to Proceed No Further / **28 U.S.C.A. § 144**., in this case... ." **D.I. 15 CAPTIONED** indicate this quote and **D.I. 16 REFERENCED** this same quote, **only concerning Judge Farnan Jr., as acting Judge**. This **D.I. 16** was also, **address** to Staff of Chief Judge **Gregory M. Sleet** to only point out my constitutional concerns. Judge Farnan Jr's **motive**, was to cover-up the true sequence, to make it appear on court record as if he did not violate **28 U.S.C.A. § 144**., this is also **Prejudicial Error**.

This Court's docket concerning civil case No. 07 – 525 – JJF, will confirm the true sequence of my D. I. 15 as just mentioned. See Judge Farnan Jr's illegal and backdated Memorandum Order, which is **Certified by this Court** and attached as ----- Again ----- **Exhibit B**

Furthermore, to any **Professional** lawyer and/or Judge; when ever this Constitutional **Federalized** Code 28 U.S.C.A. § 144. Bias or prejudice of judge is used, even by itself, it still simply means what it means, as its **definition** indicates below:

“ Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, **but another judge shall be assigned to hear such proceeding.**”

See Federalized Code 28 U.S.C.A. § 144., attached as ----- **Exhibit H**

Therefore, I was illegally and **unconstitutionally not allowed** under 42 U.S.C.A. § 1981(a)., to **ENJOY EQUAL JUSTICE** of having **another** assigned Judge, because Judge Joseph J. Farnan Jr and/or the Court did not care about my **constitutional** request / **RIGHT(S)** as mentioned in my **D.I. 15** and **D.I. 16**. Also, on March 17, 2008, the U.S. District Court, verbally confirmed that there are three available Judges, but again I was not allowed **another** Judge **in accordance with** Federal Code 28 U.S.C.A. § 144. this is a clear violation of my constitutional right(s). Again, Clear and Simple, after my D.I. 15 and D.I 16, Judge Farnan Jr had no legal right to **proceed further in this case**, **but did** and therefore, violated **Federalized** Codes 28 U.S.C.A. § 144. by his backdated **and** illegal Memorandum Order.

STATEMENT OF FACTS - # 2

Again, Judge Joseph J. Farnan Jr first violated **Federalized** Codes 28 U.S.C.A. § 144., as mentioned above and based on the fact that, 28 U.S.C.A. § 1343 42 U.S.C.A § 1985(3)., are indicated in my initial **AFFIDAVIT** / Motion dated August 30, 2007, therefore this Affidavit / Motion should not have been **DENIED**.

STATEMENT OF FACTS - # 3

Furthermore, alone with this just mentioned above paragraph, I am also Responding to Judge Farnan Jr's illegal Memorandum Order as mentioned above (**28 U.S.C.A. § 144.**) in this document, which is also illegally backdated to indicate a false date of March 5, 2007. Please, keep in mind, that this same Order contradicts "**Rule 65.(b) Injunctions.**" See Responses to Judge Farnan Jr's illegal Memorandum Order in **paragraphs No. # 1 through to # 5, below:**

Response to JJF's paragraph ONE:

Judge Joseph J. Farnan Jr's Memorandum Order is a illegal **INSURRECTION** and also backdated as mentioned above, this Order is a clear violation of Federal Code **28 U.S.C.A. § 144.** Furthermore, Fed. R. Civ. P. 4(m) does not apply to me ("**Petitioner** ") as mentioned in my Affidavit D.I. 15 and it's Clarification **D.I. 16.**

Vs.

JJF - " WHEREAS, the Court issued an Order (D.I. 14) requiring Plaintiff to show cause why this action should not be dismissed for failure to serve pursuant to Fed. R. Civ. P. 4 (m);." This is

Prejudicial Error. As well as an out and out overt / manifest explicit example of de facto.

Response to JJF's paragraph TWO:

" **PETITIONER'S** " Affidavit / Motion **D.I. 15**, clearly on its face / first page / **Caption** states and I quote, " Requesting that Judge **Joseph J. Farnan Jr** to Proceed No Further / **28 U.S.C.A. § 144., in this case...**" and **D.I. 16, REFERENCED** this same quote, **only concerning Judge Farnan Jr., as acting Judge.** As we all know that, **28 U.S.C.A. § 144., does not mean,** for the Court to take no further action, but only the **acting Judge, this is a shame.** I am Pro se, but not stupid.

Truth for the record , I am not indicated as Plaintiff on the face / first page / **Caption** of my **INITIAL** filed **AFFIDAVIT** / **Motion** dated August 30, 2007 **EX PARTE** **INJUNCTIVE** **RELIEF** concerning this civil case No. 07 – 525 – JJF. Also, Judge Farnan Jr falsely claims

that I, and I quote, "...and a letter (D.I. 16) intended to clarify his previous filing (D. I. 16)."

The truth is that, my letter D.I. 16 is to clarify my previous filed Affidavit / Motion D.I. 15.

Vs.

JJF - Judge Farnan Jr did not tell the truth about me when he stated and I quote, " WHEREAS, Plaintiff responded to the Court with a motion **requesting the Court to take no further action** with respect to this case (D.I. 15) and a letter (D.I. 16) intended to clarify his previous filing (D. I. 16)." This is INTENTIONAL Prejudicial Error. Again, see ----- **Exhibit H**

Response to JJF's paragraph THREE:

Upon the initial filing of my AFFIDAVIT / **Motion dated August 30, 2007**, concerning civil action No. "- 07 - 525 -," therefore, I, **Petitioner** who is Pro se , made it clear on the face / first page / **Caption** of this AFFIDAVIT / Motion's as these following facts indicates below:

Fact # 1 - " **Petitioner;**"

Fact # 2 - " **Respondent(s);**"

Fact # 3 - " **In ref: Vindication of civil Right(s) Here - under; 42 U.S.C.A § 1988.**" ***

Fact # 4 - " **This is not a lawsuit;**"

Fact # 5 - " **Injunctive Relief ;**"

Fact # 6 - " **Motion Ex parte;**" and

Fact # 7 - " **EMERGENCY Temporary Restraining Order.**" Therefore, all just mentioned

are the same AS indicated in my **D.I 15, filed on February 15, 2008** and it's

CLARIFICATION letter **D.I. 16 filed on February 26, 2008** , and therefore, the requirements of " **Rule 65(b) Injunctions** " ALSO, do apply to me, and not " **Rule 4(m).** "

I have pointed out " **RULE 4.1(a).**", and I have pointed out the word, " **EX PARTE** " as indicated in (**D.I. 15**) and (**D.I. 16**), which are filed and recorded in this Court's records.

Now, I am pointing out " **Rule 65(b) Injunctions** ", as the word, " **INJUNCTIVE** " is clearly indicated on the face / first page / **Caption** of my initial AFFIDAVIT / Motion filed on August 30, 2007.

***** Reason for Rule 65(b) below:*****

Therefore, **by wrongful surprise** Respondent's (Ms. Patricia A. Meyers') **attempted with**

failure, on or about August 6, 2007, by **REQUESTING “ Legal Aid ”** to contact me, to **breach** our **written** mutual July 12, 2006 **Agreement, which** contains my written and **Recorded OBLIGATIONS** Book 00913 Page 046. This breach attempt was by attempting to **illegally** **revoking** our mutual agreed October 27, 2003 Power of Attorney . This July 12, 2006 **Agreement contains** in **writing**, our mutual agreed October 27, 2003 Power of Attorney concerning Ms. Meyers’ **2.5 acres parcel B -/+** real estate property **Tax Map No. 5 – 33 11.00 82.03.**

Then / next immediately after Respondent’s **failure**, Respondent **herself** prepared and **MAILED** an illegal written breach to me, and **breached** our **mutual July 12, 2006 recorded Agreement**. This illegal written breach is Ms. Meyers’ August 8, 2007 **letter**, which was recorded in the Georgetown, Delaware Recorder of Deeds **based on fraud**, Book 00963 Page 00026. Therefore, these illegal act(s) are not based on **Probable Cause**, **but specific FACT(S)** / **EVIDENCE** as “ **Exhibit FF** ” as indicated in my **initial AFFIDAVIT** / Motion filed on August 30, 2007. This **evidence(s)** **caused me to legally and immediately** act under **Rule 65(b)**, concerning IMMEDIATE and IRREPARABLE DAMAGE(S). Therefore, I filed my initial (**D.I. 1 and 2**) **AFFIDAVIT** / **Motion on August 30, 2007**, and **after** that fact Judge Joseph J. Farnan Jr **immediately**, in his Memorandum Order (**D.I. 4**) dated **September 11, 2007, DENIED** my / this **AFFIDAVIT** / **Motion**. Therefore, I **immediately**, on **October 9, 2007**, appealed this **FINAL** Memorandum Order dated **September 11, 2007**. This Order is **FINAL** based on its **conclusion** and the statement thereon **page #6^{PS}**, of Judge Farnan Jr. who stated and I quote, “ **The Court does not have JURISDICTION over his claims. Notably, Plaintiff’s claims are ones where state law, not federal law, predominates.**” See this page #6^{PS}, attached as ----- **Exhibit G**

Before, Judge Farnan Jr's Memorandum Order (**D.I. 4**) and **after** my filing of my initial AFFIDAVIT / Motion (**D.I. 1 and 2**), I founded further IMMEDIATE and IRREPARABLE DAMAGE(S), which are dated August 16, 2007 and August 17, 2007 as follows:

1. False / Fraudulant claim stemming from State's civil case No. 1120 – S, by Respondent (Mr. Steven S. Krebs). Therefore, Respondent (Ms. Patricia A. Meyers) illegally for a **second time** breached this same mutual recorded July 12, 2006, agreement by signing and/or initialing all pages in a **so – call** unapproved “ **Settlement Agreement and General Release of Claims** ” dated August 16, 2007, involving her **2.5 acres parcel B** -/+ of real estate property. --- **I, (Petitioner) did not authorize this illegal act(s) as indicated in this paragraph.**
2. Respondent (Ms. Patricia A. Meyers) illegally for a **third time** breached this same mutual recorded July 12, 2006, agreement by illegally **purporting – superficially** attempted to **sell** and sign a property deed over to Respondent (Mr. Steven S. Krebs) concerning her **2.5 acres parcel B** -/+ of real estate property, which I (Petitioner) am legally the sole overseer of, in which is thus, totally – patently, unconstitutional as a matter of Law. --- **I, (Petitioner) did not authorize these illegal act(s) as indicated in this paragraph.**
3. Respondent (Mr. Steven S. Krebs) started cutting down trees and destroyed the beautiful forest and history on this **2.5 acres parcel B** -/+ of real estate property. **I, (Petitioner) did not authorize this illegal act(s) as indicated in this paragraph.**

Clearly these illegal acts as mentioned above violates Federal Code **42 U.S.C.A § 1981(b)**., and again, **Rule 65(b)** apply to my **initial AFFIDAVIT** / Motion filed on August 30, 2007.

The **Caption** / front page / first page of my **initial AFFIDAVIT** / Motion filed on August 30, 2007 are the same as indicated above in **Facts # 1 through to # 7**, but Judge Joseph J. Farnan Jr and/or the Court have changed my Caption / front page / first page **AGAINST** my will to **benefit / help the Respondent(s), (keep in mind, . 42 U.S.C.A. § 1981(a)**. Therefore see how below:

Vs.

JJF -“ WHEREAS, Plaintiff contends in both documents that he has not filed a civil **complaint**, and therefore, the requirements of **Rule 4(m)** do not apply to him;.”

This is **Prejudicial Error**.

The prohibited abuse of authority see; **42 U.S.C.A § 1988 § 1983.**, abuse of discretion of the former notorious judge, has totally – illegally Delayed / Denied Justice for my person.

As mentioned above and/or below, are grounds for the enforcement of **Federal Criminal Codes, 18 U.S.C.A. § 4 § 241. § 242**, that could only be enforced (via) the U.S. Attorney's office, due to total seditious unconstitutional racial injustice based **judicial activitie(s)**.

Response to JJF's paragraph FOUR:

I, (Petitioner) **paid a filing fee** to institute a civil action, as indicated on the Caption / front page / first page, of my **initial AFFIDAVIT** / Motion filed on August 30, 2007, which are the same as indicated above in **Facts # 1 through to # 7**. Therefore, this Fact # 5 – “ **Injunctive Relief ;** ” clearly directed an **INJUNCTION** and Fact # 7 – “ **EMERGENCY Temporary**

Restraining Order,” both for one issue are in accordance to **Rule 65(b)**, with the same understanding as indicated in “ **Response to paragraph THREE** ” above. This **initial AFFIDAVIT** / Motion filed on August 30, 2007, on it's face / Caption / front page / first page **can not be construed, interpreted** or implied to mean

“ Complaint ” and “ Plaintiff, ” based on the fact, it is clearly **MANIFESTED** by explicit and direct words, to mean the same as indicated in “ **Facts # 1 through to # 7.**” Therefore, Judge Joseph J. Farnan Jr and/or the U.S. District Court of Wilmington, Delaware changed the Captioned of my just mentioned **initial AFFIDAVIT** / Motion filed on August 30, 2007, **without my approval**, this is **totally unconstitutional** as well as manifested proscribed “ **Fraud on Court.**”

Vs.

“ WHEREAS, Plaintiff paid the filing fee to institute a civil action, and the Court has construed

Plaintiff's opening pleading, captioned as a Motion to Prohibit, as a civil complaint;."

This is **Prejudicial Error**.

Response to JJF's paragraph FIVE:

In my Affidavit / Motion **D.I 15, filed on February 15, 2008** and it's CLARIFICATION letter **D.I. 16 filed on February 26, 2008**, I (**Petitioner**) clearly **responded** by pointing out Federalized Code **28 U.S.C.A. § 144., and issues** and **also answered** Judge Joseph J. Farnan Jr's (**D.I. 14**) Show Cause Order dated January 22, 2008. **THE FACTS INDICATED** in these documents just mentioned are clearly **MANIFESTED** by explicit and direct words, on the Caption / front page / first page, of my **initial AFFIDAVIT** / Motion filed on August 30, 2007, which are the same as indicated in my **Facts # 1 through to # 7**, below:

Fact # 1 – “ **Petitioner;**”

Fact # 2 – “ **Respondent(s);**”

Fact # 3 – “ **In ref: Vindication of civil Right(s) Here – under; 42 U.S.C.A § 1988.**” ***

Fact # 4 – “ **This is not a lawsuit;**”

Fact # 5 – “ **Injunctive Relief ;**”

Fact # 6 - “ **Motion Ex parte;**” and

Fact # 7 – “ **EMERGENCY Temporary Restraining Order.**”

Black's Law Dictionary's definitions, therefore, we all know that the word **EX PARTE** means (“... and **WITHOUT NOTICE TO** or contestation by, **any person adversely interested.**”), and we all know that the word **INJUNCTIVE**, means (“ That has the quality of directing or ordering; of or relating to an **injunction.**”). Also, we all know the Federalized “ **Rule 65(b)., INJUNCTIONS** ”, concerning “ **Temporary Restraining Order; Notice; Hearing; Duration.** A temporary restraining order may be granted **without written** or **oral notice** to the adverse party... .” Therefore, my **initial AFFICAVIT** / Motion filed on August 30, 2007, **also** clearly points out the words **EX PARTE INJUNCTIVE RELIEF** and **TEMPORARY RESTRAINING ORDER** on the Caption / front page / first page. This

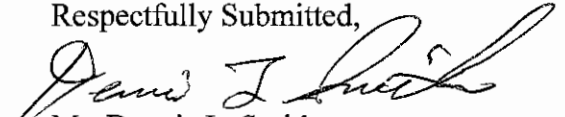
AFFIDAVIT / Motion is in accordance with **RULE 65(b)**. I was tricked as mentioned in this motion when I clearly answered Judge Joseph J. Farnan Jr's Show Cause Order, in my **D.I. 15** and **D.I. 16**, while he had **NO JURISDICTION** over civil case No. 07 – 3999. Now see further deceit of Judge Farnan Jr below.

Vs.

JJF - “ WHEREAS, Plaintiff has offered no reason for his failure to comply with Rule 4(m), and it appears, from Plaintiff's pleadings that he does not wish to pursue this action as a civil complaint;” This is **Prejudicial Error**.

CONCLUSIONN - My **INJUNCTIVE RELIEF** is to only have Federal Code **42 U.S.C. A § 1981(b)**., enforced, concerning Ms. Patricia A. Meyers and my **mutual July 12, 2006 agreement** which contains in written our mutual agreed Power of Attorney. This July 12, 2006 is to complete my **agreed Obligations**, as to why I first filed my Affidavit / Motion dated August 30, 2007.

Respectfully Submitted,



Mr. Dennis L. Smith

Cc: See Attached “ **Certificate of Service** ”

CERTIFICATE OF SERVICE

I hereby certify that two true copies of my **Notice of Substantive Motion to STAY Judge Joseph J. Farnan Jr's illegal and backdated Memorandum Order, falsely dated March 5, 2007** have been certified mailed or hand delivered on this 3 day of April 2008, to the Court and Respondent(s) at the following addresses:

The Third Judicial -- Circuit of ---- Note: -----
Federal -- Appeals_
Ms. Marcia M. Waldron
21400 United States " Court -- House "
601 Market Street
Philadelphia, PA 19106 -- 1790

A letter to this Appeals Court will
Enclosed this Substantive Motion
to STAY
Certified Mail No. 7007 0220 0001 0621 8181

Staff of Chief Judge Gregory M. Sleet
Staff of Judge Joseph J. Farnan Jr., --- **28 U.S.C.A § 144.**
§ 1331 § 1343 Viably -- Pending.,
Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801 -- 3570
Certified Mail No. 7007 0220 0001 0621 8174

Ms. Patricia A. Meyers, and her Son,
Mr. Mack L. Davis Jr., and
all of her sibling(s)
RR 4 Box 103A
Frankford, Delaware 19945
Certified Mail No. 7007 0220 0001 0621 8167

Mr. Steven S. Krebs and
his Mother Ms. Barbara Krebs
P.O. Box 796
Selbyville, Delaware 19975
Certified Mail No. 7007 0220 0001 0621 8150

For Verification purpose(s) only;
John Brady
Recorder of Deeds
2 The Circle
P. O. Box 827
Georgetown, Delaware 19947
Certified Mail No. 7007 0220 0001 0621 8143

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.


Dennis L. Smith

Exhibit A

OFFICE OF THE CLERK - LEGAL DIVISION
UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

Exhibit A

MARCIA M. WALDRON

December 20, 2007

CLERK

telephone
(215-597-2378)

Mr. Dennis Lee Smith
P.O. Box 311
Selbyville, DE 19975

Re: **Smith v. Meyers**
C.A. No. 07-3999
(D. Del. Civ. No. 07-cv-00525)

Dear Mr. Smith:

Upon further review, it appears that it would not be appropriate to submit this appeal to the Court for possible jurisdictional dismissal as you were originally advised by our letter of October 18, 2007. Rather, it appears that your appeal may be appropriate for possible summary action. Chapter 10.6 provides that the Court sua sponte (by its own action) may take summary action on an appeal if it appears that no substantial question is presented or that subsequent precedent or a change in circumstances warrants such action. Specifically, the Court may affirm, reverse, vacate, modify, or remand the judgment or order appealed.

The parties may submit written argument in support of or in opposition to such action. Any response must be received in the Clerk's Office within twenty-one (21) days from the date of this letter. Please submit to the Clerk an original and three (3) copies of any response, and a certificate of service indicating that all parties have been served with a copy of the response. All parties will be advised of any Order(s) issued in this matter.

Issuance of the briefing schedule will be stayed pending action by the Court. All parties are hereby advised that this letter does not represent a finding of appellate jurisdiction in this case. As in all cases, the panel of this Court which reviews the case on its merits will make a final determination of appellate jurisdiction.

Very truly yours,

/s/ Laura L. Greene
LAURA L. GREENE
Staff Attorney

(Continued)

0, 2007

Smith v. Meyers

C.A. No. 07-3999

(D. Del. Civ. No. 07-cv-00525)

LLG/je

cc: **Patricia A. Meyers**
Route 4 Box 103A
Frankford, DE 19945

Exhibit B

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DENNIS LEE SMITH,	:	
	:	
Plaintiff,	:	Civil Action No. 07-525-JJF
	:	
v.	:	
	:	
PATRICIA A. MEYERS, MACK L.	:	
DAVIS, JR., STEVEN S. KREBS	:	
and BARBARA KREBS,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

WHEREAS, the Court issued an Order (D.I. 14) requiring Plaintiff to show cause why this action should not be dismissed for failure to serve pursuant to Fed. R. Civ. P. 4(m);

WHEREAS, Plaintiff responded to the Court with a motion requesting the Court to take no further action with respect to this case (D.I. 15) and a letter (D.I. 16) intended to clarify his previous filing (D.I. 16);

WHEREAS, Plaintiff contends in both documents that he has not filed a civil complaint, and therefore, the requirements of Rule 4(m) do not apply to him;

WHEREAS, Plaintiff paid the filing fee to institute a civil action, and the Court has construed Plaintiff's opening pleading, captioned as a Motion To Prohibit, as a civil complaint;


WHEREAS, Plaintiff has offered no reason for his failure to comply with Rule 4(m), and it appears, from Plaintiff's pleadings

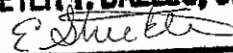
that he does not wish to pursue this action as a civil complaint¹;

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The above-captioned action is DISMISSED.
2. All pending Motions shall be terminated in accordance with this Order.

March 5, 2007
DATE


UNITED STATES DISTRICT JUDGE

CERTIFIED: 3/12/08
AS A TRUE COPY:
ATTEST:
PETER T. DALLEO, CLERK
BY 
Deputy Clerk

¹ Plaintiff contends that both of his filings (D.I. 15, 16) are meant to be part of his Interlocutory Appeal, USCA 07-3999, even though they were filed in this Court. Plaintiff, of course, retains the option of filing his papers with the Court of Appeals for the Third Circuit if he wishes to present them in that forum.

Exhibit C

07-2999

Exhibit C

Page 2 of 2

PATRICIA A. MEYERS; MACK L. DAVIS, JR.;
STEVEN S. KREBS; BARBARA KREBS

10/16/2007	CIVIL CASE DOCKETED. Notice filed by Dennis Lee Smith.
10/16/2007	RECORD available on District Court CM/ECF.
10/18/2007	LEGAL DIVISION LETTER SENT advising appeal has been listed for possible dismissal.
11/06/2007	RESPONSE to Legal Division letter for possible dismissal, on behalf of Appellant Dennis Lee Smith, filed. Certificate of Service dated 11/2/07.
12/20/2007	LEGAL DIVISION LETTER SENT advising that this appeal has been listed for possible summary action by a panel of the Court.
01/11/2008	RESPONSE to Legal Division letter advising case will be listed for poss summary action on behalf of Appellant Dennis Lee Smith, filed. Certificate of Service dated 1/10/08.

Exhibit D

CM/ECF LIVE - U.S. District Court:ded

Exhibit D

02/15/2008	<u>15</u>	MOTION to Proceed no Further in this case and Response Order to Show Cause - filed by Dennis Lee Smith. (dab) 02/19/2008)
02/26/2008	<u>16</u>	Letter to the Court from Dennis L. Smith regarding Resp Show Cause. (dab) (Entered: 02/26/2008)
03/05/2008	<u>17</u>	MEMORANDUM ORDER - DISMISSING the case for failure to serve process pursuant to Rule 4. Signed by Judge Joseph J. Farnan, Jr. on 3/5/2008. (nms) Modified on 3/6/2008 (rwc). (Entered: 03/05/2008)
03/05/2008		CASE CLOSED per DI # <u>17</u> (nms) (Entered: 03/05/2008)

PACER Service Center			
Transaction Receipt			
03/17/2008 10:10:42			
PACER Login:	pa0017	Client Code:	
Description:	Docket Report	Search Criteria:	1:07-cv-00525-JJF Start date: 1/1/1970 End date: 3/17/2008
Billable Pages:	2	Cost:	0.16

Exhibit E

CM/ECF LIVE - U.S. District Court:ded

Exhibit E

08/30/2007	<u>3</u>	Notice of Availability of a U.S. Magistrate Judge to Ext (els) (Entered: 08/30/2007)
08/30/2007		No Summons Issued (els) (Entered: 08/30/2007)
09/05/2007		Case assigned to Judge Joseph J. Farnan, Jr. Please include the initials of the Judge (JJF) after the case number on all documents filed. (rjb) (Entered: 09/05/2007)
09/11/2007	<u>4</u>	MEMORANDUM ORDER DENYING D.I. 2 MOTION for Temporary Restraining Order (See Order for Details). Signed by Judge Joseph J. Farnan, Jr. on 9/11/2007. (lec) (Entered: 09/12/2007)
10/09/2007	<u>5</u>	NOTICE OF APPEAL of <u>4</u> Memorandum Order. Appeal filed by Dennis Lee Smith. Filing fee \$ 455. Fee Paid. Receipt No.: 149129. TPO issued. (rwc) (Entered: 10/10/2007)
10/09/2007	<u>6</u>	MOTION to Stay - filed by Dennis Lee Smith. (rwc) Additional attachment(s) added on 10/11/2007 (rwc,). (Entered: 10/10/2007)
10/11/2007	<u>7</u>	MULTI MEDIA DOCUMENT filed by Dennis Lee Smith in the form of a audiocassette. Filing related to <u>6</u> MOTION to Stay. (Media on file in Clerk's Office). (rwc) (Entered: 10/11/2007)
10/16/2007	<u>8</u>	NOTICE of Docketing Record on Appeal from USCA for the Third Circuit re <u>5</u> Notice of Appeal filed by Dennis Lee Smith. USCA Case Number 07-3999. USCA Case Manager: Tonya Wyche (DOCUMENT IS RESTRICTED AND CAN ONLY BE VIEWED BY COURT STAFF) (tw,) (Entered: 10/16/2007)
10/16/2007	<u>9</u>	AMENDMENT/CORRECTION to DOCUMENT - filed by Dennis Lee Smith. (Correction to Page 2 and Page 10 re: <u>6</u> MOTION to Stay). (rwc) (Entered: 10/17/2007)
11/06/2007	<u>10</u>	Letter to Clerk, USCA 3rd Circuit from Dennis L. Smith dated 11/2/07 in further support of appeal - re <u>5</u> Notice of Appeal. (rwc) (Entered: 11/06/2007)
11/06/2007	<u>11</u>	SECOND AMENDMENT/CORRECTION to DOCUMENT - filed by Dennis Lee Smith. (Correction to Page 2) re: Motion <u>6</u> to Stay (Entered: 11/07/2007)
01/11/2008	<u>12</u>	Letter to Clerk, USCA 3rd Circuit from Deputy Clerk, dated 1/11/08 regarding forwarding of Dennis Smith's "Interlocutory Appeal Status (VIA) 28 U.S.C.A. sec. 2106 Emergency Motion to Modify" to USCA. (rwc) (Entered: 01/11/2008)
01/14/2008	<u>13</u>	Letter to Clerk, USCA 3rd Circuit, from Dennis L. Smith dated 1/10/08 regarding Emergency Motion to Change Appeal. (rwc) (Entered: 01/15/2008)
01/22/2008	<u>14</u>	ORDER TO SHOW CAUSE why this case should not be dismissed for failure to serve process. Show Cause Response due by 2/15/2008. Signed by Judge Joseph J. Farnan, Jr. on 1/22/08. (dab) (Entered: 01/22/2008)

EXhibit F

Exhibit F

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DENNIS LEE SMITH,	:
	:
Plaintiff,	:
	:
v.	: Civ. Action No. 07-525-JJF
	:
PATRICIA A. MEYERS, MACK L.	:
DAVIS, JR., STEVEN S. KREBS,	:
and BARBARA KREBS,	:
	:
Defendants.	:

SHOW CAUSE ORDER

At Wilmington this 22 day of January, 2008, the
Complaint in the above-captioned case having been filed on August
30, 2007

IT IS ORDERED that, on or before **February 15, 2008**,
Plaintiff shall show cause why this case should not be dismissed
for failure to serve process within 120 days of filing the
Complaint, pursuant to Fed. R. Civ. P. 4(m).


UNITED STATES DISTRICT JUDGE

Exhibit G

Exhibit G

IV. Discussion

The Court has reviewed the exhibits Plaintiff his Motion. After reviewing the same and carefully reviewing his Motion, it is clear that Plaintiff's real issues concern real property to which he believes he is entitled, and P. Meyers's decision to revoke the Power Of Attorney she gave to Plaintiff.

The Court does not have jurisdiction over his claims. Notably, Plaintiff's claims are ones where state law, not federal law, predominates. Hence, the matters should be decided by the State Court. Moreover, Plaintiff makes vague allegations of, and seeks to prevent, the following: slander, defamation, false outbursts, false statements, issuance of outrageous and absurd documents by P. Meyers, false arrests, the sale or lease of the property at issue, S. Krebs from speaking to Plaintiff, and hateful acts, conspiracy or frame-up by S. Krebs and Defendant Barbara Krebs. Again, most of the foregoing concern State law issues and are better decided by the State Court.

In a failing attempt to state a claim under § 1981, Plaintiff makes a passing reference to race discrimination by referring to himself as a black man who helped a white female win a court case. Nothing indicates, however, that there was an intent to discriminate against Plaintiff on the basis of his race. Plaintiff also refers to the § 1985 conspiracy statute, but other than seeking to restrain Defendants from conspiring

Exhibit H

